

## **PART I - CHARTER <sup>(1)</sup>**

We, the people of Round Rock, Texas in order to establish a home rule municipal government that will provide for the future progress of our City through local self government, do hereby adopt this Home Rule Charter, hereinafter referred to as "Charter," in accordance with the statutes of the state of Texas; and do hereby declare the citizens of the City of Round Rock, Williamson County, Texas, residing within the legally established boundaries of said City, to be a political subdivision of the state of Texas incorporated forever under the name of the "City of Round Rock" with such powers, rights and duties as are herein provided.

(Charter amendment approved by voters January 20, 1996; May 6, 2000)

### [ARTICLE 1. - FORM OF GOVERNMENT AND BOUNDARIES](#)

### [ARTICLE 2. - POWERS OF THE CITY](#)

### [ARTICLE 3. - THE CITY COUNCIL](#)

### [ARTICLE 4. - ADMINISTRATIVE SERVICE](#)

### [ARTICLE 5. - NOMINATIONS AND ELECTIONS](#)

### [ARTICLE 6. - RECALL OF OFFICERS](#)

### [ARTICLE 7. - INITIATIVE AND REFERENDUM](#)

### [ARTICLE 8. - FINANCIAL ADMINISTRATION](#)

### [ARTICLE 9. - BONDS](#)

### [ARTICLE 10. - TAX ADMINISTRATION](#)

### [ARTICLE 11. - FRANCHISE OF PUBLIC UTILITIES](#)

### [ARTICLE 12. - BOARDS AND COMMISSIONS](#)

### [ARTICLE 13. - POLICE DEPARTMENT DISCIPLINARY PROCEDURES](#)

### [ARTICLE 14. - GENERAL PROVISIONS](#)

### [ARTICLE 15. - TRANSITIONAL PROVISIONS](#)

### [CHARTER COMPARATIVE TABLE](#)

---

FOOTNOTE(S):

---

--- (1) ---

## PART I - CHARTER

**Note—** Printed in this part is the Home Rule Charter of the city, which was approved at an election held on August 13, 1977. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets. Provisions which are obsolete are indicated by editor's note. ([Back](#))

**State Law reference—** Charter to be consistent with constitution and general laws, art. XI, § 5; home-rule municipality, V.T.C.A., Local Government Code ch. 9. ([Back](#))

PART I - CHARTER

ARTICLE 1. - FORM OF GOVERNMENT AND BOUNDARIES

**ARTICLE 1. - FORM OF GOVERNMENT AND BOUNDARIES**

[Sec. 1.01. - Form of government.](#)

[Sec. 1.02. - The boundaries.](#)

[Sec. 1.03. - Extension of boundaries.](#)

[Sec. 1.04. - Contraction of boundaries.](#)

**Sec. 1.01. - Form of government.**

The municipal government provided by this Charter shall be known as the "Council-Manager Government." Pursuant to its provisions and subject only to the limitations imposed by the state constitution, the statutes of this state and by this Charter, all powers of the City of Round Rock, Texas, hereinafter referred to as "City," shall be vested in an elected council, hereinafter referred to as the "City Council," which shall enact local legislation, adopt budgets, determine policies and appoint the City Manager, who in turn shall be held responsible to the City Council for the execution of the laws and the administration of the government of the City. All power of the City shall be exercised in the manner prescribed by this Charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance, the state constitution or the statutes of the state.

(Charter amendment approved by voters January 20, 1996)

**State law reference**— Form of government, V.T.C.A., Local Government Code § 26.021.

**Sec. 1.02. - The boundaries.**

The bounds and limits of the City are hereby established and described as being those boundaries heretofore established in the original incorporated proceedings of the said City, filed of record on July 11, 1977, in the office of the Clerk of the County Court of Williamson County, Texas and those boundaries established and changed thereafter in all annexation ordinances and proceedings of the City.

(Charter amendment approved by voters January 20, 1996)

**State law reference**— Municipal boundaries, V.T.C.A., Local Government Code § 41.001 et seq.

**Sec. 1.03. - Extension of boundaries.**

The boundaries of the City may be enlarged and extended by the annexation of additional territory, irrespective of size and configuration, in any of the methods hereinafter designated:

- (a) Extending Limits in Accordance with V.T.C.A., Local Government Code [ch. 43](#), as amended: Where such additional territory adjoins the corporate limits of the City and contains three or more inhabitants qualified to vote for members of the state legislature, such adjacent territory may be annexed to the City in the manner and in conformity with the procedure set forth in V.T.C.A., Local Government Code [ch. 43](#), as amended.
- (b) Annexation of the Unoccupied Lands on Petition of Owners: The owners or owner of any land which is without residents, or on which less than three voters reside, contiguous and adjacent to

## PART I - CHARTER

### ARTICLE 1. - FORM OF GOVERNMENT AND BOUNDARIES

the City may, by petition in writing to the City Council, request the annexation of such contiguous and adjacent land, describing it by metes and bounds. The City Council shall thereafter, and not less than five and not more than thirty days after the filing of such petition, hear such petition and the arguments for and against the same, and grant or refuse such petitions as the City Council may see fit. If the City Council grants such petition, it may by proper ordinance receive and annex such territory as a part of the City.

- (c) Annexation by Amendment to Charter: The boundary limits of the City may be fixed and additional territory added or annexed thereto by amendment to the Charter of the City.
- (d) Extending Limits by Action of the City Council: The City Council shall have power by ordinance to fix the boundary limits of the City and to provide for the extension of said boundary limits and the annexation of additional territory lying adjacent to said City, with or without the consent of the residents or the owners of the territory annexed.
- (e) Annexation by Any Other Method Provided by Law: Additional territory may also be annexed to the City in any manner and by any procedure that may now be provided by law or that may be hereafter provided by law or in such manner as shall be provided by ordinances or resolutions of the City Council. Same shall be in addition to the methods hereinabove provided.
- (f) Annexed Territory to Become Part of the City: Upon completion of any one of the procedures hereinabove provided, the territory so annexed shall become a part of the City, and said land and its residents and future residents shall be entitled to all the rights and privileges of other citizens of the City and shall be bound by the acts, ordinances, resolutions and regulations of the City.

(Charter amendment approved by voters January 20, 1996)

**State law reference**— Municipal annexation, V.T.C.A., Local Government Code ch. 43.

#### **Sec. 1.04. - Contraction of boundaries.**

Whenever there exists within the corporate limits of the City any territory not suitable or necessary for City purposes, and lying adjacent to the corporate limits, the City Council may, upon a petition signed by a majority of the qualified voters residing in such territory if the same be inhabited, or without any such petition if the same be uninhabited, by ordinance duly passed, discontinue said territory as a part of said City; said petition and ordinance shall specify accurately the metes and bounds of the territory sought to be eliminated from the City and shall contain a plat designating such territory so that the same can be definitely ascertained; and when said ordinance has been duly passed the same shall be entered upon the minutes and records of said City, and from and after the entry of such ordinance said territory shall cease to be a part of said City, but said territory shall still be liable for its pro rata share of any debts incurred while said area was a part of said City, and the City shall continue to levy, access and collect taxes on the property within said territory to pay the indebtedness incurred while said area was a part of the City as though the same had not been excluded from the boundaries of the City.

(Charter amendment approved by voters January 20, 1996)

**State law reference**— Disannexation, V.T.C.A., Local Government Code § 43.141 et seq.

## PART I - CHARTER

### ARTICLE 2. - POWERS OF THE CITY

#### **ARTICLE 2. - POWERS OF THE CITY** <sup>[2]</sup>

[Sec. 2.01. - General.](#)

[Sec. 2.02. - General powers adopted.](#)

[Sec. 2.03. - Eminent domain.](#)

[Sec. 2.04. - Zoning in general.](#)

##### **Sec. 2.01. - General.**

The City may use a corporate seal; may sue and be sued; may contract and be contracted with; may implead and be impleaded in all courts in all matters whatsoever; may cooperate with the government of the state of Texas or any agency thereof, the Federal Government or any agency thereof, or any political subdivision of the state of Texas; and shall have all the powers granted to cities by the constitution and laws of the state of Texas, together with all the implied powers necessary to carry into execution all the powers granted. The City may own or acquire property within or without its boundaries for any municipal purpose in fee simple or in any lesser interest or estate, by purchase, gift, devise, lease or condemnation or may sell, lease, hold, manage, control and police any property now owned by it or which it may hereafter acquire, and shall have the right to lease or let its property whether inside or outside of the City Limits, subject to the limitations hereinafter set out, and may construct, own, lease, operate and regulate public utilities, may assess, levy and collect taxes for general and special purposes on all lawful subjects of taxation; may borrow money on the faith and credit of the City by the issuance and sale of bonds, certificates of obligation, warrants or notes of the City; may appropriate the money of the City for all lawful purposes; may regulate and control the use, for whatever purpose, of the streets and other public places; may make and enforce all police, health, sanitary and other regulations; and may pass such ordinances as may be expedient for the protection and maintenance of good government, peace and welfare of the City, for the performance of the functions thereof, for the order and security of its residents; and may provide suitable penalties for the violations of any ordinance enacted by the City; and, except as prohibited by the constitution and laws of this state or restricted by this Charter, the City may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

(Charter amendment approved by voters January 20, 1996)

##### **Sec. 2.02. - General powers adopted.**

The enumeration of the particular powers in this Charter shall not be held or deemed to be exclusive but in addition to the powers enumerated herein or implied hereby or appropriate to the exercise of such powers, the City shall have and may exercise all power of local self government and all other powers which, under the constitution and laws of the state of Texas, it would be competent for this Charter specifically to enumerate. The City shall have and may exercise all the powers of a home rule city as enumerated in Article 1175, [Chapter 13, Title 28](#), of the Revised Civil Statutes of the state of Texas of 1925 and in V.T.C.A., Local Government Code, as now or hereafter amended.

(Charter amendment approved by voters January 20, 1996)

##### **Sec. 2.03. - Eminent domain.**

The City shall have the full power and right to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this Charter or by the

## PART I - CHARTER

### ARTICLE 2. - POWERS OF THE CITY

constitution and laws of the state of Texas. The City may exercise the power of eminent domain in any manner authorized or permitted by the constitution and laws of this state. The power of eminent domain hereby conferred shall include the right of the City to take the fee in land so condemned and such power and authority shall include the right to condemn public property for such purposes. The City shall have and possess the power of condemnation for any municipal or public purposes even though not specifically enumerated in this Charter.

(Charter amendment approved by voters January 20, 1996)

**State law reference**— Municipal right of eminent domain, V.T.C.A., Local Government Code ch. 251.

#### **Sec. 2.04. - Zoning in general.**

The City Council shall have full power and authority to zone the City and to pass all necessary ordinances, rules and regulations governing the same under and by virtue of the authority given to cities and legislative bodies thereof by V.T.C.A., Local Government Code, Title 7, Subtitle A and Title 12, Subtitle A, as now or hereafter amended.

(Charter amendment approved by voters January 20, 1996)

---

FOOTNOTE(S):

---

--- (2) ---

**State Law reference**— General powers of municipalities, V.T.C.A., Local Government Code § 51.001 et seq.; authority of local self-government, V.T.C.A., Local Government Code § 51.072. [\(Back\)](#)

PART I - CHARTER

ARTICLE 3. - THE CITY COUNCIL

**ARTICLE 3. - THE CITY COUNCIL**

[Sec. 3.01. - Number, selection and term.](#)

[Sec. 3.02. - Qualifications.](#)

[Sec. 3.03. - Judge of election qualifications.](#)

[Sec. 3.04. - Compensation.](#)

[Sec. 3.05. - Mayor and Mayor Pro-tem.](#)

[Sec. 3.06. - Vacancies, forfeiture, filling of vacancies.](#)

[Sec. 3.07. - General powers and duties.](#)

[Sec. 3.08. - Prohibitions.](#)

[Sec. 3.09. - Meetings of the City Council.](#)

[Sec. 3.10. - Quorum.](#)

[Sec. 3.11. - Rules of procedure.](#)

[Sec. 3.12. - Voting.](#)

[Sec. 3.13. - Ordinances in general.](#)

[Sec. 3.14. - Emergency ordinances.](#)

[Sec. 3.15. - Bonds for city employees.](#)

[Sec. 3.16. - Investigative body.](#)

[Sec. 3.17. - Assistant\(s\) for the Mayor and Council.](#)

**Sec. 3.01. - Number, selection and term.**

The City Council shall be composed of the Mayor and six (6) Council members. The Mayor and all Council members shall be elected from the City at large and each Council member shall occupy a position on the City Council, such positions being numbered 1 through 6 consecutively. The Mayor and Council members shall be elected in the manner provided in [Article 5](#) of this Charter to serve for three (3) year terms.

In order to provide for an orderly transition from two (2) year terms to three (3) year terms, at the first general election held under this amended Article, two (2) Council members shall be elected to serve two (2) year terms and two (2) Council members shall be elected to serve three (3) year terms. The positions which shall be elected to two (2) year terms shall be determined by drawing lots at the first regular City Council meeting held after this amended Article is adopted. The following year, and each year thereafter, all elections shall be for three (3) year terms.

(Charter amendment approved by voters November 6, 1979; January 20, 1996)

**Sec. 3.02. - Qualifications.**

In addition to any other qualifications prescribed by law, the Mayor and each Council member shall meet the conditions of [Section 5.02](#) while in office, and shall reside within the City while in office.

(Charter amendment approved by voters January 20, 1996)

PART I - CHARTER

ARTICLE 3. - THE CITY COUNCIL

**State law reference**— Age and residence requirements for city office, V.T.C.A., Election Code § 141.003.

**Sec. 3.03. - Judge of election qualifications.**

The City Council shall be the final judge of all elections and of qualifications of its members and any other elected officials of the City.

(Charter amendment approved by voters January 20, 1996)

**Sec. 3.04. - Compensation.**

The Mayor and Council members shall receive compensation as may be fixed by ordinance; provided, however, that they shall be entitled to all necessary expenses incurred in the performance of their official council duties upon approval by the City Council.

(Charter amendment approved by voters April 5, 1986; January 20, 1996)

**Sec. 3.05. - Mayor and Mayor Pro-tem.**

The Mayor shall be the official head of the City government. The Mayor shall be the chairman of, and shall preside at all meetings of the City Council. The Mayor shall vote on every proposition before the City Council, but shall have no power to veto. The Mayor shall see that all ordinances, bylaws, and resolutions of the City Council are faithfully obeyed and enforced. Except as provided in [Section 4.01](#), the Mayor shall, when authorized by the City Council, sign all official documents such as ordinances, resolutions, conveyances, grant agreements, contracts, and bonds. The Mayor shall appoint special committees he or she deems advisable and as instructed by the City Council. The Mayor shall perform such other duties consistent with this Charter or as may be imposed upon him or her by the City Council.

The Mayor Pro-tem shall be a Council member elected by the City Council at the first regular City Council meeting following each regular City election. The Mayor Pro-tem shall act as Mayor during the disability or absence of the Mayor, and in this capacity shall have the rights conferred upon the Mayor.

(Charter amendment approved by voters January 20, 1996; May 15, 2004; November 8, 2011)

**Sec. 3.06. - Vacancies, forfeiture, filling of vacancies.**

- (a) Vacancies: The office of a Council member or office of the Mayor shall become vacant upon his or her death, resignation, removal from office in any manner authorized by law, or forfeiture of his or her office.
- (b) Forfeiture of Office: If the Mayor or any Council member:
  - (1) fails to maintain the qualifications as required in Sections [3.02](#) and [5.02](#) herein;
  - (2) has been found by at least a 2/3 vote of the City Council to have violated any express prohibition of this Charter;
  - (3) is convicted of a crime involving moral turpitude; or
  - (4) fails to attend three (3) consecutive regular City Council meetings without being excused by the City Council,

the City Council shall, at its next regular meeting, declare the office to be vacant and shall fill such vacancy as set forth in Subsection (c) below of this [Section 3.06](#).



## PART I - CHARTER

### ARTICLE 3. - THE CITY COUNCIL

- (c) Filling of Vacancies: When any vacancy or vacancies shall occur on the City Council, a special election shall be called in accordance with state law to fill the vacancy or vacancies in the same manner as described herein for regular elections.

(Charter amendment approved by voters November 6, 1979; April 5, 1986; January 20, 1996)

#### **Sec. 3.07. - General powers and duties.**

All powers of the City shall be vested in the City Council, except as otherwise provided by law or this Charter, and the City Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

(Charter amendment approved by voters January 20, 1996)

#### **Sec. 3.08. - Prohibitions.**

- (a) Holding Other Office: Except where authorized by law, no Mayor or Council member shall hold any other City office or City employment during his or her term as Mayor or Council member and no former Mayor or Council member shall hold any compensated appointive City office or City employment until one year after the expiration of his or her term as Mayor or Council member.
- (b) Appointments and Removals: Neither the City Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the City Manager or any of his or her subordinates are empowered to appoint, but the City Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.
- (c) Interference with Administration: Except for the purpose of inquiries and investigations under [Section 3.16](#), the City Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor its members shall give orders to any such officer or employee, either publicly or privately, except as otherwise provided in this Charter. This subsection shall not prohibit the Mayor and Council from giving direction and supervision to the assistant(s) appointed pursuant to [Section 3.17](#).

(Charter amendment approved by voters January 20, 1996; May 10, 2008)

#### **Sec. 3.09. - Meetings of the City Council.**

The City Council shall hold at least two regular meetings each month and as many additional meetings as it deems necessary to transact the business of the City and its citizens. The City Council shall fix, by ordinance, the days and time of the regular meetings. Special meetings of the City Council shall be held on the call of the Mayor or of a majority of the City Council members. Notice of all meetings of the City Council shall be given in accordance with the provisions of V.T.C.A., Government Code ch. 551, as amended.

(Charter amendment approved by voters January 20, 1996)

#### **Sec. 3.10. - Quorum.**

Four City Council members shall constitute a quorum for the purpose of transaction of business and no action of the City Council, shall be valid or binding unless adopted by the affirmative vote of four or more members of the City Council, except where a greater number of affirmative votes is expressly provided herein.

## PART I - CHARTER

### ARTICLE 3. - THE CITY COUNCIL

(Charter amendment approved by voters January 20, 1996; November 8, 2011)

#### **Sec. 3.11. - Rules of procedure.**

The City Council shall, by ordinance, determine its own rules and order of business and the rules shall provide that citizens of the City shall have a reasonable opportunity to be heard at any meeting in regard to any matter under consideration.

(Charter amendment approved by voters January 20, 1996)

#### **Sec. 3.12. - Voting.**

The City Council shall provide for minutes being taken and recorded of all meetings, and such minutes shall be a public record. Except as required by state law, there shall be no requirement for the taking and recording of minutes of meetings held in executive or closed session in accordance with V.T.C.A., Government Code ch. 551. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the minutes.

All members of the City Council present, including the Mayor, shall vote upon every resolution or ordinance, except where there is a conflict of interest, the reason for which shall be stated concisely in the records.

(Charter amendment approved by voters November 6, 1979; January 20, 1996)

#### **Sec. 3.13. - Ordinances in general.**

Ordinances and resolutions shall be introduced in the City Council only in written or printed form. Ordinances making appropriations shall be confined to the subject of appropriations.

Any ordinance which levies a fine or penalty and those dealing with budget and/or tax, franchises, public utilities or the setting of their rates, shall be read at two regular meetings before the same shall become effective.

All other ordinances shall not be finally passed until they have been read on two separate days not less than twelve (12) hours apart; provided however if an ordinance has been introduced at a regular meeting of the City Council, the requirements for reading on two separate days may be dispensed with by an affirmative vote of all the City Council members present.

Any ordinance introduced pursuant to [Section 9.01](#)(e)(2) may be adopted and finally passed at the meeting at which it is introduced.

The final reading of each ordinance shall be read in full unless a written or printed copy thereof shall have been furnished to each member of the City Council prior to such meeting. The enacting clause of all ordinances shall be: "Be it ordained by the City Council of the City of Round Rock, Texas."

(Charter amendment approved by voters January 20, 1996; May 10, 2008)

**State law reference**— Code of municipal ordinances, V.T.C.A., Local Government Code ch. 53.

#### **Sec. 3.14. - Emergency ordinances.**

To meet a public emergency affecting life, property, or the public peace, the City Council may adopt emergency ordinances. Such ordinances shall not levy taxes, grant or renew or extend a franchise, or regulate the rate charged by any public utility for its services. Neither shall they authorize the borrowing of money, except as provided in [Article 8](#), [Section 8.05](#). An emergency ordinance shall be introduced in the

## PART I - CHARTER

### ARTICLE 3. - THE CITY COUNCIL

form and manner generally prescribed for ordinances, except that it shall be plainly designated in the title as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. Such emergency clause shall require the affirmative vote of five members of the City Council. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced. The affirmative vote of five members of the City Council shall be required for adoption. After adoption, the ordinance shall be published as required for other adopted ordinances and shall become effective in the same manner. Every emergency ordinance so adopted, except one authorizing the borrowing of money as described herein, shall automatically stand repealed as of the sixty-first day following the day on which it became effective, but this shall not prevent re-enactment of the ordinance.

(Charter amendment approved by voters January 20, 1996)

#### **Sec. 3.15. - Bonds for city employees.**

The City Council shall require bonds of all municipal officers and employees who receive or pay out any monies of the City. The amount of such bonds shall be determined by the City Council and the cost thereof shall be borne by the City.

(Charter amendment approved by voters January 20, 1996)

#### **Sec. 3.16. - Investigative body.**

The City Council shall have the power to inquire into the official conduct of any department, agency, office, officer, or employee of the City, and for that purpose shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers, and other evidence material to the inquiry. The City Council shall provide by ordinance, penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence, and shall have the power to punish any such contempt in the manner provided by such ordinance.

(Charter amendment approved by voters January 20, 1996)

#### **Sec. 3.17. - Assistant(s) for the Mayor and Council.**

The Mayor and Council, along with the City Manager, shall have the power to direct and supervise one or more assistant(s) appointed by the City Manager to provide clerical and administrative support services to the Mayor and Council. The aforesaid assistant(s) shall deal with other City officers and employees solely through the City Manager, and shall not give orders to any such officer or employee, either publicly or privately.

(Charter amendment approved by voters May 10, 2008)

ARTICLE 4. - ADMINISTRATIVE SERVICE

**ARTICLE 4. - ADMINISTRATIVE SERVICE**

[Sec. 4.01. - City Manager.](#)

[Sec. 4.02. - Administrative departments.](#)

[Sec. 4.03. - Municipal Court.](#)

[Sec. 4.04. - City attorney.](#)

[Sec. 4.05. - City Clerk.](#)

**Sec. 4.01. - City Manager.**

- (a) Appointment and Qualifications: The City Council by majority vote of the entire City Council shall appoint a City Manager. The method of selection shall be left to the discretion of the City Council so long as the method ensures orderly, nonpartisan action toward securing a competent and qualified person to fill the position. The City Manager shall be chosen solely upon the basis of such person's executive and administrative training, experience and ability and need not when appointed be a resident of the City; however, during the tenure of his or her office the City Manager shall reside within the City. The City Manager shall be bonded at City expense in an amount to be determined by the City Council.
- (b) Compensation: The City Manager shall receive compensation as may be fixed by the City Council according to his or her experience, education, and training. The compensation shall be agreed upon before appointment with the understanding that the City Council may change it at their discretion.
- (c) Term and Removal: The City Manager shall not be appointed for a definitive term but may be removed at the discretion of the City Council, by vote of the majority of the entire City Council. The action of the City Council in suspending or removing the City Manager shall be final. It is the intention of this Charter to vest all authority and fix all responsibilities of such suspension or removal in the City Council.
- (d) Powers and Duties: The City Manager shall be the Chief Administrative Officer of the City, and shall be responsible to the City Council for the proper administration of all the affairs of the City and to that end shall have the power and shall be required to:
  - (1) see that all state laws and City ordinances are effectively enforced;
  - (2) appoint, suspend or remove all or any one of the directors of departments, except as otherwise provided in this Charter;
  - (3) appoint, suspend or remove such Assistant City Managers as may be deemed necessary by the City Council to assist the City Manager in carrying out the day to day management responsibilities;
  - (4) attend all meetings of the City Council except when excused by the City Council, and shall have the right to take part in the discussions;
  - (5) prepare the budget annually and submit it to the City Council and be responsible for its administration after its adoption;
  - (6) prepare and submit to the City Council at the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year;
  - (7) keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem advisable;

## PART I - CHARTER

### ARTICLE 4. - ADMINISTRATIVE SERVICE

- (8) make other such reports as the City Council may require concerning the operations of City departments, offices and agencies subject to his or her discretion and supervision; and
- (9) perform such other duties as may be prescribed by this Charter or required by the City Council, as consistent with this Charter.
- (e) Acting City Manager: The City Manager, within sixty (60) days after taking office, shall designate by letter filed with the City Clerk, a qualified administrative officer of the City to be the Acting City Manager in his or her absence or disability. Such designation shall be subject to the prior approval of the City Council. The Acting City Manager is authorized to perform the same powers and duties as the City Manager while acting in the City Manager's stead. No member of the City Council shall serve as Acting City Manager. From time to time the City Manager may remove and appoint another Acting City Manager, also with the prior approval of the City Council. The Acting City Manager shall perform the duties of the City Manager until the City Manager returns or his or her disability shall cease or until the City Council designates another person to perform such duties.
- (f) Contracts and Purchases: The City Council may by ordinance set a maximum amount for which the City Manager shall be authorized to execute contracts and/or to expend funds for budgeted items; provided however, that all contracts and expenditures must comply with state laws requiring competitive bids. The City Council may by ordinance establish an amount above which all contracts or purchases must be approved in advance by the City Council. All contracts and purchases shall be handled in a manner to obtain the best value for the City.
- (g) Execution of Documents: The City Manager shall have the authority to execute, on behalf of the City, standard form documents, including but not limited to deeds, releases of liens, rental agreements, easements, right-of-way agreements, joint use agreements, and other similar documents, under the following conditions:
  - (i) The execution of the document is necessary to carry out a public works project; utilize, maintain or improve a City facility, street, right-of-way, easement, park or other City property, or to implement other City policies; provided that such project, program or policy has been approved by the City Council;
  - (ii) That all blanks are filled in on any document correctly and that such document is consistent with the objectives approved by the City Council; and
  - (iii) That the form of such document shall be approved by the City Attorney.

(Charter amendment approved by voters November 6, 1979; January 20, 1996; May 15, 2004; November 8, 2011)

#### **Sec. 4.02. - Administrative departments.**

There shall be such administrative departments as are established by this Charter and may be established by ordinance and, excepting as otherwise provided in this Charter, these administrative departments shall be under the direction of the City Manager.

The City Council shall have power by ordinance to establish administrative departments or offices not herein provided by this Charter. The City Council may discontinue, redesignate, or combine any of the departments and/or administrative offices. No changes shall be made by the City Council in the organization of the administrative service of the City until the recommendations of the City Manager thereon shall have been heard by the City Council.

The head of each department shall be a director who shall have supervision and control over said department. Two or more departments may be headed by the same individual and the City Manager may head one or more departments.

(Charter amendment approved by voters January 20, 1996)

PART I - CHARTER

ARTICLE 4. - ADMINISTRATIVE SERVICE

**Sec. 4.03. - Municipal Court.**

- (a) There shall be established and maintained a court, designated as a "Municipal Court" for the trial of misdemeanor offenses, with all such powers and duties as are now, or may hereafter be prescribed by laws of the state of Texas relative to municipal courts.
- (b) The judge of said court shall be appointed by the City Council to serve at the discretion of the City Council. The judge shall be an attorney licensed and practicing in the state of Texas and shall receive such salary as may be fixed by the City Council.
- (c) There shall be a clerk of said court appointed by the City Manager.
- (d) The clerk of said court and deputies shall have the power to administer oaths and affidavits, make certificates, affix the seal of said court thereto, and generally do and perform any and all acts usual, and necessary to be performed, by the clerks of courts, in issuing process of said courts, and conducting the business thereof.
- (e) The City Council shall have the power to create and appoint additional judges as provided by law.
- (f) All costs and fines imposed by the Municipal Court shall be paid into the City Treasury for the use and benefit of the City.

(Charter amendment approved by voters January 20, 1996)

**State law reference—** Municipal courts, V.T.C.A., Government Code ch. 29.

**Sec. 4.04. - City attorney.**

The City Council shall appoint a competent and duly licensed attorney practicing law in the state of Texas, who shall be the City Attorney. The City Attorney shall receive for his or her services such compensation as may be fixed by the City Council and shall hold office at the pleasure of the City Council. The City Attorney, or such other attorneys selected by the City Attorney with the approval of the City Council, shall represent the City in all litigation. The City Attorney shall be the legal advisor of, and attorney and counsel for, the City and all officers and departments thereof.

(Charter amendment approved by voters January 20, 1996)

**Sec. 4.05. - City Clerk.**

The City Manager shall appoint the City Clerk and such Assistant City Clerks as the City Council shall deem advisable. The duties of the City Clerk, and Assistant City Clerks, shall be as follows:

- (a) to give notice of City Council meetings;
- (b) to keep the minutes of the proceedings of such meetings;
- (c) to authenticate by his or her signature and record in full a book kept and indexed for the purpose, all ordinances and resolutions; and
- (d) to perform such other duties as the City Council shall assign, and those elsewhere provided for in this Charter.

(Charter amendment approved by voters January 20, 1996; November 8, 2011)

ARTICLE 5. - NOMINATIONS AND ELECTIONS

**ARTICLE 5. - NOMINATIONS AND ELECTIONS** <sup>[3]</sup>

[Sec. 5.01. - City elections.](#)

[Sec. 5.02. - Filing for office.](#)

[Sec. 5.03. - Official ballots.](#)

[Sec. 5.04. - Canvassing.](#)

[Sec. 5.05. - Election by majority.](#)

[Sec. 5.06. - Run-off election.](#)

**Sec. 5.01. - City elections.**

- (a) Schedule. The regular City Election will be held annually in accordance with the provisions of V.T.C.A., Election Code [ch. 41](#). The City Council shall, by ordinance, establish the general election date. Elections for candidates who are unopposed may be canceled in accordance with the provisions of V.T.C.A., Election Code, [ch. 2](#), subch. C. The City Council shall be responsible to specify places for holding such election.
- (b) Special Elections. The City Council may, by ordinance or resolution, order a special election under conditions specified elsewhere in this Charter, for initiative or referendum of ordinances, bond issues, Charter amendments, recall of the Mayor or Council members or other purposes deemed appropriate by the City Council. The City Council will fix the time and place for holding such special elections, and provide all means for holding same.
- (c) Voter Eligibility List. A certified list of voter registrants within the City, as prepared by the County Election Administrator, shall be maintained on file in the office of the City Clerk. If for a purpose relating only to a City election or to candidates or issues involved in such election, any organization, group or person requests a list of qualified voters of the City, permission to copy the current list shall be granted by the City Clerk.
- (d) Conduct and Regulation of Elections. All City elections shall be governed by the constitution of the state of Texas, general laws of the state, this Charter, and ordinances of the City, in the order named. Municipal elections shall be conducted by the election officials appointed or approved by the City Council. Sample ballots identical to the voting machine format for the specific election shall be posted in the voting place(s) for purpose of voter orientation.

(Charter amendment approved by voters January 20, 1996; May 6, 2000; May 15, 2004; November 8, 2011)

**Sec. 5.02. - Filing for office.**

- (a) Eligibility to File. Each candidate for an elective City office shall meet the following qualifications:
  - (1) be a registered voter of the City;
  - (2) have resided for at least twelve (12) months preceding the election within the corporate limits of the City, including territory annexed prior to the filing deadline; and
  - (3) not be in arrears in the payment of any taxes or other liabilities due the City. "In arrears" is defined herein to mean that payment has not been received within ninety (90) days from due date.

## PART I - CHARTER

### ARTICLE 5. - NOMINATIONS AND ELECTIONS

- (b) Additional restrictions. In addition to the foregoing qualifications, the following restrictions shall apply:
- (1) An incumbent seeking reelection must file for the same position number presently serving.
  - (2) No candidate may file for more than one office or position number per election.
  - (3) No employee of the City shall continue in such position after filing for an elective office of the City.
  - (4) No candidate shall be placed on the ballot unless his or her application is accompanied by either (1) a filing fee of fifty dollars (\$50.00), or (2) a petition signed by qualified voters residing in the City equal in the number to the greater of: (a) twenty-five, or (b) one-half of one percent of the total vote received by all candidates for mayor in the most recent mayoral regular election. The signed petition shall be filed with the City Clerk, together with the candidate's sworn application. Each signer next to his or her signature shall indicate the signer's date of birth, date of signing, the signer's printed name, and the street address of his or her place of residence, including the county of residence.

(Charter amendment approved by voters November 6, 1979; January 20, 1996; May 6, 2000; November 8, 2011)

**State law reference**— Age and residence requirements for city office, V.T.C.A., Election Code § 141.003.

#### **Sec. 5.03. - Official ballots.**

- (a) Names on Ballot. The name of each candidate nominated for office, except those who have withdrawn, died or become ineligible, shall be printed on the official ballots without party designation or symbol, and in the form designated by the candidate. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion, their residence addresses shall be printed with their names on the ballot.
- (b) Order of Listing. The order on the ballot of the names of the candidates shall be determined by lot in a drawing to be held under the supervision of the City Clerk.
- (c) Early Voting Ballots. Procedures for early voting shall be consistent with V.T.C.A, Election Code, title 7, subtitle A.
- (d) Ballots for Ordinances, Bond Issues, and Charter Amendments. An ordinance, bond issue or Charter amendment, to be voted on by qualified voters of the City, shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement, approved by a majority of the entire City Council describing the substance of the measure without argument or prejudice. The words "FOR" and, below it, "AGAINST" shall be printed to the left of the proposition so that the voter may cast his or her vote in accordance with ballot instructions.
- (e) Write-In Votes. Procedures for write-in votes shall be consistent with V.T.C.A., Election Code, as amended.

(Charter amendment approved by voters January 20, 1996; May 6, 2000; November 8, 2011)

#### **Sec. 5.04. - Canvassing.**

The City Council shall, at a special meeting called for that purpose or at its next regular meeting, canvass the returns from any municipal election and declare the results of said election to be official. The returns of every municipal election shall be recorded in the minutes of the City Council, by totals for each candidate, or for or against each issue submitted.



PART I - CHARTER

ARTICLE 5. - NOMINATIONS AND ELECTIONS

(Charter amendment approved by voters November 6, 1979; January 20, 1996)

**Sec. 5.05. - Election by majority.**

A majority vote for an elective office is that number of votes which is greater than one-half of the total number of valid ballots cast for the office concerned. Any candidate for elective office who receives a majority vote shall be declared elected. If none of the candidates for an elective position receives a majority vote, none of such candidates shall be elected.

**Sec. 5.06. - Run-off election.**

In the event no candidate for an elective office receives a majority of the votes cast for that position in the regular or special election or there is a tie for first place, a run-off election shall be held between the two (2) candidates who received the greater number of votes. Such run-off election shall be held in accordance with V.T.C.A., Election Code, as amended.

(Charter amendment approved by voters January 20, 1996)

**State law reference**— Tie vote, V.T.C.A., Election Code § 2.002.

---

FOOTNOTE(S):

---

--- (3) ---

**State Law reference**— V.T.C.A., Election Code ch. 1 et seq. [\(Back\)](#)

PART I - CHARTER

ARTICLE 6. - RECALL OF OFFICERS

**ARTICLE 6. - RECALL OF OFFICERS**

[Sec. 6.01. - Scope of recall.](#)

[Sec. 6.02. - Petition for recall.](#)

[Sec. 6.03. - Recall procedure.](#)

[Sec. 6.04. - Form of recall petition.](#)

[Sec. 6.05. - Various papers constituting recall petition.](#)

[Sec. 6.06. - Presentation of recall petition to City Council.](#)

[Sec. 6.07. - Public hearing to be held on recall petition.](#)

[Sec. 6.08. - Recall election to be called.](#)

[Sec. 6.09. - Ballots in recall election.](#)

[Sec. 6.10. - Result of recall election.](#)

[Sec. 6.11. - Recall; restrictions thereon.](#)

[Sec. 6.12. - Failure of City Council to call an election.](#)

**Sec. 6.01. - Scope of recall.**

Any elected City official, whether elected to office by the qualified voters of the City or appointed by the City Council to fill a vacancy, shall be subject to recall and removal from the office by the qualified voters of the City.

(Charter amendment approved by voters November 6, 1979; January 20, 1996)

**Sec. 6.02. - Petition for recall.**

Before the question of recall of such officer shall be submitted to the qualified voters of the City, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of the City Clerk; which said petition shall be signed by qualified voters of the City equal in number to at least ten percent (10%) of the number of qualified voters as currently certified to by the County Election Administrator. Such petition shall contain a general statement of the grounds for which the removal is sought.

A signature on a petition for recall is valid only if the petition includes the following information with respect to each signer:

- (a) the signer's residence address, including the county;
- (b) the signer's date of birth and the signer's voter registration number;
- (c) the date of signing; and
- (d) the signer's printed name.

(Charter amendment approved by voters November 6, 1979; January 20, 1996; May 6, 2000; November 8, 2011)

PART I - CHARTER

ARTICLE 6. - RECALL OF OFFICERS

**Sec. 6.03. - Recall procedure.**

Any qualified voters of the City may make and file with the person performing the duties of City Clerk an affidavit containing the name or names of the officer(s) whose removal is sought and a statement of the grounds for removal. The City Clerk shall immediately notify in writing the officer(s) sought to be removed that the affidavit has been filed and shall inform the officer(s) of its statement of grounds. The City Clerk shall within a period of two (2) working days from the time the affidavit was filed thereupon make available to the qualified voters making such affidavit copies of petition blanks demanding such removal. The City Clerk shall keep a sufficient number of such printed petition blanks on hand for distribution. Such blanks when issued by the City Clerk shall bear the signature of the City Clerk and be of such form as prescribed in [Section 6.04](#) of this Article, and shall be numbered, dated, and indicate the name of the person to whom issued. The City Clerk shall enter in a record to be kept in his or her office the name of the qualified voters to whom the petition blanks were issued and the number to said person.

(Charter amendment approved by voters November 6, 1979; January 20, 1996; May 6, 2000; November 8, 2011)

**Sec. 6.04. - Form of recall petition.**

The recall petition mentioned above must be addressed to the City Council of the City of Round Rock, must distinctly and specifically state the ground(s) upon which such petition for removal is predicated, and, if there be more than one ground, such as for incompetency, noncompliance with this Charter, misconduct or malfeasance in office, shall specifically state each ground with such certainty as to give the officer sought to be removed, notice of such matters and things with which he or she is charged. Recall petition papers provided by the person performing the duties of City Clerk shall be in form substantially as follows:

We the undersigned qualified voters of the City of Round Rock hereby demand the question of removing (Name of Person) from the office of (Name of Office) be submitted to a vote of the qualified voters of the City. The charges and specifications upon which this demand for removal is predicated are as follows:

_____
_____

_____ Signature	_____ Printed Name	_____ Address, including county	_____ Date of Birth	_____ Voter Registration No.
--------------------	-----------------------	---------------------------------------	------------------------	------------------------------------

The signatures shall be verified by oath in the following form:

"STATE OF TEXAS, COUNTY OF WILLIAMSON

PART I - CHARTER

ARTICLE 6. - RECALL OF OFFICERS

I, \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_, being first duly sworn, on oath depose and say that I am one of the signers of the above petition; and that the statements made therein are true, and that each signature appearing thereto was made in my presence on the day and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person whose name it purports to be.

Sworn and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for

Williamson County, Texas"

(Charter amendment approved by voters January 20, 1996; May 6, 2000; November 8, 2011)

**Sec. 6.05. - Various papers constituting recall petition.**

- (a) The petition may consist of one or more copies, or subscription list, circulated separately, and the signatures thereto may be upon the paper or papers containing the form of petition, or upon other papers attached thereto. Verifications provided for in the next preceding section of this Article may be made by one or more petitioners, and the several parts or copies of the petition may be filed separately and by different persons; but no signatures to such petition shall remain effective or be counted which were placed thereon more than forty-five (45) days prior to the filing of such original petition or petitions with the person performing the duties of City Clerk on the same day, and the said Clerk shall immediately notify, in writing by registered mail, the officer so sought to be removed, by mailing such notice to such officer's address.
- (b) Certification procedures as described in [Section 7.04](#) shall be followed in certification of the recall petition.

(Charter amendment approved by voters January 20, 1996; November 8, 2011)

**Sec. 6.06. - Presentation of recall petition to City Council.**

The person performing the duties of City Clerk shall present such certified petition to the City Council at the next regular City Council meeting.

(Charter amendment approved by voters January 20, 1996; November 8, 2011)

**Sec. 6.07. - Public hearing to be held on recall petition.**

The officer whose removal is sought may, within five (5) days after such recall petition has been presented to the City Council, request that a public hearing be held to permit such officer to present facts pertinent to the charges specified in the recall petition. In this event, the City Council shall order such public hearing to be held, not less than five (5) days nor more than fifteen (15) days after receiving such request for a public hearing.

(Charter amendment approved by voters January 20, 1996)

PART I - CHARTER

ARTICLE 6. - RECALL OF OFFICERS

**Sec. 6.08. - Recall election to be called.**

If the officer whose removal is sought does not resign, then it shall become the duty of the City Council to order an election and fix a date for holding such recall election, the date of which election shall be in accordance with V.T.C.A., Election Code.

(Charter amendment approved by voters January 20, 1996)

**Sec. 6.09. - Ballots in recall election.**

Ballots used at recall elections shall conform to the following requirements:

- (a) With respect to each person whose removal is sought, the question shall be submitted: "Shall (Name of Person) be removed from the office of (Name of Office) by recall?"
- (b) Immediately below each such question there shall be printed the two following propositions, one above the other, in order indicated:

"FOR the removal of \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ by recall."

"AGAINST the removal of \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ by recall."

**Sec. 6.10. - Result of recall election.**

If a majority of the votes cast at a recall election shall be against the recall of the person named on the ballot, he or she shall continue in office for the remainder of his or her unexpired term, subject to recall as before. If a majority of the votes cast at such an election be for the recall of the person named on the ballot, he or she shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy shall be filled as vacancies in the City Council are filled.

In no instance shall an officer removed from office by recall election succeed himself or herself, nor shall such officer's name appear on a ballot for elective office of the City within a period of two (2) years following the date of the election at which such officer was removed from office.

(Charter amendment approved by voters January 20, 1996)

**Sec. 6.11. - Recall; restrictions thereon.**

No recall petition shall be filed against any officer of the City within six (6) months after such officer's election or appointment, nor within six (6) months after an election for such officer's recall.

(Charter amendment approved by voters January 20, 1996)

**Sec. 6.12. - Failure of City Council to call an election.**

In case all of the requirements of this Charter shall have been met and the City Council shall fail or refuse to receive the recall petition, or to order such recall election, or to discharge any other duties imposed upon said City Council by the provisions of this Charter with reference to such recall, then the County Judge of Williamson County, Texas, or other judge of competent jurisdiction shall discharge any such duties herein provided to be discharged by the person performing the duties of City Clerk or by the City Council.

(Charter amendment approved by voters January 20, 1996; November 8, 2011)

PART I - CHARTER

ARTICLE 7. - INITIATIVE AND REFERENDUM

**ARTICLE 7. - INITIATIVE AND REFERENDUM**

[Sec. 7.01. - General authority.](#)

[Sec. 7.02. - Commencement of proceedings; petitioners' committee; affidavit.](#)

[Sec. 7.03. - Petitions.](#)

[Sec. 7.04. - Determination of sufficiency.](#)

[Sec. 7.05. - Referendum petitions; suspension of effect of ordinance.](#)

[Sec. 7.06. - Action on petitions.](#)

[Sec. 7.07. - Form of ballots.](#)

[Sec. 7.08. - Results of election.](#)

**Sec. 7.01. - General authority.**

- (a) Initiative. The qualified voters of the City shall have power to propose ordinances to the City Council, except ordinances appropriating money or levying of taxes, or applicable to zoning, not in conflict with this Charter, the state Constitution, or the state laws; and, if the City Council fails to adopt an ordinance so proposed, to adopt or reject it at a City election.
- (b) Referendum. The qualified voters of the City shall have power to require reconsideration by the City Council of any adopted ordinance and, if the City Council fails to repeal an ordinance so reconsidered, to approve or reject it at a City election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes, or applicable to zoning, or to the issuance of bonds.

(Charter amendment approved by voters November 6, 1979; January 20, 1996; November 8, 2011)

**Sec. 7.02. - Commencement of proceedings; petitioners' committee; affidavit.**

Any five (5) or more qualified voters of the City may commence initiative or referendum proceedings by filing with the City Clerk an affidavit stating that they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

No later than ten (10) days after the date that the aforesaid affidavit is filed and received by the City Clerk, supplemental affidavits may be filed adding names to the petitioners' committee membership.

The affidavit shall also designate one member as the Committee Chairperson and state the name, address and email address (if any) of the Committee Chairperson to which all notices provided herein shall be served. The name of the Committee Chairperson may be changed by an amendment to the affidavit signed by at least a majority of the committee members.

All notices provided for herein may be served on the Committee Chairperson by personal delivery, by electronic document transfer to the current email address, if any, or by mail, which shall be complete upon deposit of the paper, enclosed in a postpaid, properly addressed wrapper, in a post office or official depository under the care and custody of the United States Postal Service.

Within ten (10) business days after the affidavit of the petitioners' committee is filed, the person performing the duties of City Clerk shall issue the appropriate petition blanks to the petitioners' committee.

## PART I - CHARTER

### ARTICLE 7. - INITIATIVE AND REFERENDUM

(Charter amendment approved by voters January 20, 1996; May 6, 2000; May 15, 2004; November 8, 2011)

#### **Sec. 7.03. - Petitions.**

- (a) Number of signatures. Initiative and referendum petitions must be signed by qualified voters of the City equal in number to at least five percent (5%) of the number of total qualified voters of the City as currently certified to by the County Election Administrator, or 250, whichever is greater.
- (b) Form and content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

A signature on a petition for initiative or referendum is valid only if the petition includes the following information with respect to each signer:

- (1) the signer's residence address, including county;
  - (2) the signer's date of birth and voter registration number;
  - (3) the date of signing; and
  - (4) the signer's printed name.
- (c) Affidavit of Circulator. When filed, each paper of a petition shall have attached to it an affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.
- (d) Time for filing petitions. Petitions must be filed within forty-five (45) days after the initial issuance of the appropriate blanks to the petitioners' committee.

(Charter amendment approved by voters January 20, 1996; May 6, 2000; May 15, 2004)

#### **Sec. 7.04. - Determination of sufficiency.**

- (a) Certificate of City Clerk. Within ten (10) days after the petition is filed, the person performing the duties of City Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall immediately upon completion of certification serve a copy of the certificate to the Committee Chairperson, as set forth in [Section 7.02](#)
- (b) Sufficient Petition, Final Determination. If the petition is certified sufficient, the person performing the duties of City Clerk shall present the certificate to the City Council by the next regular City Council meeting and the certificate shall be a final determination as to the sufficiency of the petition.
- (c) Insufficient Petition, Final Determination. If a petition is certified insufficient, and the petitioners' committee does not elect to request City Council review under subsection (d) of this section within the time required, the City Clerk shall present a certificate to the City Council by the next regular City Council meeting which shall be a final determination of the insufficiency of the petition.
- (d) Insufficient Petition, Appeal. If a petition has been certified insufficient, the committee may, within two (2) working days after receiving the copy of such certificate, file a request that it be reviewed by the City Council. The City Council shall review the certificate at its next regular meeting following the filing of such request and approve or disapprove it, and the City Council's determination shall then be a final determination.

## PART I - CHARTER

### ARTICLE 7. - INITIATIVE AND REFERENDUM

- (e) Court Review: New Petition. A final determination as to the sufficiency of a petition shall be subject to review in a court of competent jurisdiction and higher. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

(Charter amendment approved by voters January 20, 1996; May 15, 2004; November 8, 2011)

#### **Sec. 7.05. - Referendum petitions; suspension of effect of ordinance.**

When a referendum petition is determined to be sufficient, the ordinance sought to be reconsidered shall be suspended, and such suspension shall continue until the City Council repeals the ordinance or the ordinance is upheld by election.

(Charter amendment approved by voters January 20, 1996)

#### **Sec. 7.06. - Action on petitions.**

- (a) Action by City Council. Within sixty (60) days after the date the initiative or referendum petition has been finally determined sufficient, the City Council shall:
  - (1) adopt a proposed initiative ordinance without any change in substance; or
  - (2) repeal a referred ordinance; or
  - (3) call an election on the proposed or referred ordinance as specified in [Section 7.06\(b\)](#).
- (b) Submission to Voters. The election on a proposed or referred ordinance shall be held on the next available uniform election date as required by state law. Said called election may coincide with a regular City election should such City election fall within the specified period. Special elections on initiated or referred ordinances shall not be held more frequently than once each six (6) months, and no ordinance substantially the same as an initiated ordinance which has been defeated or on substantially the same as a referred ordinance which has been approved at any election may be initiated by the voters within two (2) years from the date of such election. Copies of the proposed or referred ordinance shall be made available at the polls.
- (c) Publication of Proposed and Referred Ordinance. The person performing the duties of City Clerk shall give such notices and do such other things relative to such election as are required in general municipal elections or by the ordinance calling said election.
- (d) Withdrawal of Petition. An initiative or referendum petition may be withdrawn at any time prior to the time the petition has been determined to be sufficient by filing with the City Clerk a request for withdrawal signed by at least eighty percent (80%) of the members of the petitioners' committee. Upon filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(Charter amendment approved by voters January 20, 1996; May 6, 2000; May 10, 2008; November 8, 2011)

#### **Sec. 7.07. - Form of ballots.**

The ballots used when voting upon such proposed and referred ordinances shall also set forth their nature sufficiently to identify them and shall set forth upon separate lines the words:

"FOR THE ORDINANCE," and "AGAINST THE ORDINANCE."



## PART I - CHARTER

### ARTICLE 7. - INITIATIVE AND REFERENDUM

#### **Sec. 7.08. - Results of election.**

- (a) Initiative. If a majority of the qualified voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the City Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail.
- (b) Repeal or Amendment of an Initiated Ordinance. An ordinance adopted by initiative may be repealed or amended at any time after the expiration of two (2) years by a vote of five (5) or more of the City Council members qualified and serving.
- (c) Referendum. If a majority of the qualified voters voting on a referred ordinance vote against the ordinance, it shall be considered repealed upon certification of the election results. If a majority of the qualified voters voting on a referred ordinance vote for the ordinance, it shall be considered in effect and petition shall become void.
- (d) Adoption of an Ordinance Repealed by Referendum. An ordinance repealed by referendum may be reenacted at any time after the expiration of two (2) years by a vote of five (5) or more of the City Council members qualified and serving.

(Charter amendment approved by voters January 20, 1996; May 6, 2000)

ARTICLE 8. - FINANCIAL ADMINISTRATION

**ARTICLE 8. - FINANCIAL ADMINISTRATION** <sup>[4]</sup>

[Sec. 8.01. - Fiscal year.](#)

[Sec. 8.02. - Public record.](#)

[Sec. 8.03. - Annual budget.](#)

[Sec. 8.04. - Administration of budget.](#)

[Sec. 8.05. - Emergency appropriations.](#)

[Sec. 8.06. - Borrowing to meet emergency appropriations.](#)

[Sec. 8.07. - Borrowing in anticipation of property taxes.](#)

[Sec. 8.08. - Depository.](#)

[Sec. 8.09. - Purchase procedure.](#)

[Sec. 8.10. - Independent audit.](#)

**Sec. 8.01. - Fiscal year.**

The fiscal year of the City shall begin on the first day of each October and end on the last day of September of the succeeding year. All funds collected by the City during any fiscal year, including both current and delinquent revenues, shall belong to such fiscal year and, except for funds derived to pay interest and create a sinking fund on the bonded indebtedness of the City, may be applied to the payment of expenses incurred during such fiscal year, except as provided in this Charter. Any revenues uncollected at the end of any fiscal year, and any unencumbered funds actually on hand, shall become resources of the next succeeding fiscal year.

**State law reference**— City fiscal year, V.T.C.A., Local Government Code § 101.022, V.T.C.A., Tax Code § 1.05.

**Sec. 8.02. - Public record.**

Copies of the budget adopted shall be public records and shall be made available to the public for inspection upon request.

**State law reference**— Local Government Records Act, V.T.C.A., Local Government Code ch. 201.

**Sec. 8.03. - Annual budget.**

- (a) Content. The budget shall provide a complete financial plan of all City funds and activities and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable or the City Council may require. A budget message explaining the budget both in fiscal terms and in terms of the work programs shall be submitted with the budget. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues, with reasons for such changes. It shall also summarize the City's debt position and include such other

## PART I - CHARTER

### ARTICLE 8. - FINANCIAL ADMINISTRATION

material as the City Manager deems desirable. The budget shall begin with a clear general summary of its contents and shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year. The proposed budget expenditures shall not exceed the total of estimated income. The budget shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year, compared to the estimate for the budgeted year. It shall include in separate sections:

- (1) an itemized estimate of the expense of conducting each department, division, and office;
  - (2) reasons for proposed increases or decreases of such items of expenditure compared with the current fiscal year;
  - (3) a separate schedule for each department, indicating tasks to be accomplished by the department during the year, and additional desirable tasks to be accomplished, if possible;
  - (4) a statement of the total probable income of the City from taxes for the period covered by the estimate;
  - (5) tax levies, rates, and collections for the preceding five years;
  - (6) an itemization of all anticipated revenue from sources other than the tax levy;
  - (7) the amount required for interest on the City's debts, for sinking fund and for maturing serial bonds;
  - (8) the total amount of outstanding City debts, with a schedule of maturities on bond issue;
  - (9) anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition (subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget);
  - (10) a Capital Improvement Program, which may be revised and extended each year to indicate capital improvements pending or in process of construction or acquisition, and shall include the following items:
    - i. a summary of proposed programs;
    - ii. a list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
    - iii. cost estimates, method of financing and recommended time schedules for each such improvement; and
    - iv. the estimated annual cost of operating and maintaining the facilities to be constructed or acquired; and
  - (11) such other information as may be required by the City Council.
- (b) Submission. On or before the first day of August of each year, the City Manager shall submit to the City Council a proposed budget and an accompanying message. The City Council shall review the proposed budget and revise same as deemed appropriate prior to general circulation for public hearing.
- (c) Public Notice and Hearing. The City Council shall post in the City Hall a general summary of the proposed budget and a notice stating:
- (1) the times and places where copies of the message and budget are available for inspection by the public; and

## PART I - CHARTER

### ARTICLE 8. - FINANCIAL ADMINISTRATION

- (2) the time and place, not less than two (2) weeks after such publication, for a public hearing on the budget.
- (d) Amendment Before Adoption. After the hearing, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income plus funds available from prior years.
- (e) Adoption. The budget shall be finally adopted not later than the final day of the last month of the fiscal year. Adoption of the budget shall constitute a levy of the property tax therein proposed. Should the City Council take no final action on or prior to such day the budget, as submitted, together with its proposed tax levy, shall be deemed to have been finally adopted by the City Council. No budget shall be adopted or appropriations made unless the total of estimated revenues, income and funds available shall be equal to or in excess of such budget or appropriations, except as otherwise provided in this Article.

(Charter amendment approved by voters January 20, 1996; May 10, 2008)

**State law reference**— Municipal budget, V.T.C.A., Local Government Code ch. 102; when charter provisions control, V.T.C.A., Local Government Code § 102.011.

#### **Sec. 8.04. - Administration of budget.**

- (a) Payments and Obligations Prohibited. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the City Manager or designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriations and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal. Such action shall be the cause for removal of any officer who knowingly authorized or made such payment or incurred such obligations, and such officer shall also be liable to the City for any amount so paid. However, this prohibition shall not be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness, or certificates of obligation, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.
- (b) Financial Reports. The City Manager shall submit to the City Council at least quarterly the financial condition of the City by budget item, and budget estimate versus accruals for the fiscal year to date. The financial records of the City will be maintained on an accrual basis to support this type of financial management.

(Charter amendment approved by voters January 20, 1996; May 6, 2000)

#### **Sec. 8.05. - Emergency appropriations.**

At any time in any fiscal year, the City Council may, pursuant to this section, make emergency appropriations to meet a pressing need for public expenditure, for other than regular or recurring requirements, to protect the public health, safety or welfare. Such appropriation shall be by ordinance adopted by the favorable votes of five (5) or more of the City Council members qualified and serving, and shall be made only upon recommendation of the City Manager. The total amount of all emergency appropriations made in any fiscal year shall not exceed the amount allowed by state law.

PART I - CHARTER

ARTICLE 8. - FINANCIAL ADMINISTRATION

(Charter amendment approved by voters January 20, 1996)

**Sec. 8.06. - Borrowing to meet emergency appropriations.**

In the absence of unappropriated available revenues or other funds to meet emergency appropriations provided for under the preceding [Section 8.05](#), the City Council may by resolution authorize the borrowing of money to meet such deficit as provided by law.

(Charter amendment approved by voters January 20, 1996)

**Sec. 8.07. - Borrowing in anticipation of property taxes.**

In any fiscal year, in anticipation of the collection of the ad valorem property tax for such year, whether levied or to be levied in such year, the City Council may by resolution authorize the borrowing of money, not to exceed in any fiscal year an amount equal to ten percent (10%) of the budget for that fiscal year. Such borrowing shall be by the issuance of negotiable notes of the City, each of which shall be designated, "Tax Anticipation Note for the Year \_\_\_\_\_" (stating the tax year). Such notes shall mature and be payable not later than the end of the fiscal year in which issued.

(Charter amendment approved by voters January 20, 1996)

**Sec. 8.08. - Depository.**

All monies received by any person, department or agency of the City for or in connection with affairs of the City shall be deposited promptly in the City depository or depositories, which shall be designated by the City Council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All checks, vouchers, or warrants for the withdrawal of money from the City depositories shall be signed by the Mayor or City Manager and countersigned by an authorized designee, as approved by City Council ordinance. Provided, that the City Council, under such regulations and limitations as it may prescribe, may by ordinance authorize the use of machine-imprinted facsimile signatures of said Mayor and City Manager and authorized designee on such checks, vouchers and warrants.

(Charter amendment approved by voters January 20, 1996; May 15, 2004)

**State law reference**— Depositories for municipal funds, V.T.C.A., Local Government Code ch. 105.

**Sec. 8.09. - Purchase procedure.**

All purchases made and contracts executed by the City shall be pursuant to a requisition from the head of the office, department or agency whose appropriation will be charged and no contract order shall be binding upon the City unless the City Manager certifies that there is to the credit of such office, department or agency a sufficient unencumbered appropriation and allotment balance to pay for the supplies, materials, equipment or contractual services for which the contract or order is to be issued.

(Charter amendment approved by voters November 6, 1979, as amended by Charter amendment approved by voters April 5, 1986)

**State law reference**— Competitive bidding, V.T.C.A., Local Government Code § 252.021 et seq.; exemptions, V.T.C.A., Local Government Code §§ 252.022, 252.023.

PART I - CHARTER

ARTICLE 8. - FINANCIAL ADMINISTRATION

**Sec. 8.10. - Independent audit.**

At the close of each fiscal year, and at such other times as it may be deemed necessary, the Council shall cause an independent audit to be made of all accounts of the City by a certified public accountant. The certified public accountant so selected shall have no personal interest, directly or indirectly, in the financial affairs of the City or any of its officers. Upon completion of the audit, a copy of the audited annual financial report shall be placed in the public library and placed on file in the City Clerk's office as public record.

(Charter amendment approved by voters January 20, 1996; May 15, 2004; May 10, 2008; November 8, 2011)

**State law reference**— Audit of municipal finances, V.T.C.A., Local Government Code ch. 103.

---

FOOTNOTE(S):

---

--- (4) ---

**State Law reference**— Finances, V.T.C.A., Local Government Code ch. 101 et seq.; local taxation, V.T.C.A., Tax Code ch. 301 et seq. [\(Back\)](#)

PART I - CHARTER

ARTICLE 9. - BONDS

**ARTICLE 9. - BONDS**

[Sec. 9.01. - Borrowing for capital improvements.](#)

**Sec. 9.01. - Borrowing for capital improvements.**

- (a) Borrowing. The City Council shall have the power, except as prohibited by law, to borrow money by whatever method it may deem to be in the public interest.
- (b) General Obligation Bonds and Certificates of Obligation. The City shall have the power to borrow money on the credit of the City and to issue general obligation bonds and certificates of obligation for permanent public improvements or for any other public purpose not prohibited by the Constitution and laws of the state of Texas, and to issue refunding bonds to refund outstanding bonds of the City previously issued. All such bonds or certificates of obligation shall be issued in conformity with the laws of the state of Texas and shall be used only for the purpose for which they were issued.
- (c) Revenue Bonds. The City shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of public utilities, recreational facilities or any other self-liquidating municipal function not prohibited by the constitution and laws of the state of Texas, and to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon and payable from the properties, or interest therein pledged, or the income therefrom, or both. The holders of the revenue bonds shall never have the right to demand payment thereof out of monies raised or to be raised by taxation. All such bonds shall be issued in conformity with the laws of the state of Texas and shall be used only for the purpose for which issued.
- (d) Bonds Incontestable. All bonds of the City having been issued and sold and having been delivered to the purchaser thereof, shall thereafter be incontestable and all bonds issued to refund in exchange for outstanding bonds previously issued shall and after said exchange, be incontestable.
- (e) The procedure for adoption of any ordinance relative to borrowing for capital improvements shall be:
  - (1) A copy of the proposed ordinance shall be furnished to (1) each member of the City Council, (2) the City Attorney, and (3) any citizen of the City for inspection upon request to the City Clerk, at least three days before the date of the meeting at which the ordinance is to be considered.
  - (2) Any ordinance relative to borrowing for capital improvements may be adopted and finally passed at the meeting at which it is introduced.

(Charter amendment approved by voters January 20, 1996; November 8, 2011)

PART I - CHARTER

ARTICLE 10. - TAX ADMINISTRATION

**ARTICLE 10. - TAX ADMINISTRATION** <sup>[5]</sup>

[Sec. 10.01. - Department of taxation.](#)

[Sec. 10.02. - Powers of taxation.](#)

[Sec. 10.03. - Assessment of property for tax purposes.](#)

[Sec. 10.04. - Taxes: when due and payable.](#)

[Sec. 10.05. - Tax liens.](#)

[Sec. 10.06. - Joint interest in property.](#)

[Sec. 10.07. - Arrears of taxes offset to debt against City.](#)

[Sec. 10.08. - \(Repealed by charter amendment approved by voters May 15, 2004\).](#)

**Sec. 10.01. - Department of taxation.**

There shall be established a Department of Taxation to assess and collect taxes, the head of which shall be the Director of Finance. The Director of Finance shall give a surety bond for faithful performance of his or her duties, including compliance with all controlling provisions of the state law bearing upon the functions of such office, in a sum which shall be fixed by the City Council at not less than five thousand dollars (\$5,000.00.) Notwithstanding the foregoing, the City Council may contract with an outside agency or other governmental entity to assess and collect City taxes and to perform the duties of the City's Tax Assessor/Collector.

(Charter amendment approved by voters January 20, 1996; May 15, 2004)

**Sec. 10.02. - Powers of taxation.**

The City shall have the power to levy, assess, and collect taxes of every character and type not prohibited by the Constitution and Laws of the state of Texas, and for any municipal purpose.

(Charter amendment approved by voters January 20, 1996)

**Sec. 10.03. - Assessment of property for tax purposes.**

All property, real, personal or mixed, having a situs within the corporate limits of the City on January 1 of each year, not expressly exempted by law, shall be subject to taxation by the City for such year. The mode and manner of making renditions, tax lists, assessments, and tax rolls shall be governed by state law.

(Charter amendment approved by voters January 20, 1996)

**Sec. 10.04. - Taxes: when due and payable.**

All taxes due the City on real or personal property shall be payable at any time after the tax rolls for the year have been completed and approved, which shall be not later than October 1. Taxes shall be paid before February 1, and all such taxes not paid prior to such date shall be deemed delinquent, and shall be subject to such penalty and interest as provided by ordinance or state law. The City Council may provide further by ordinance that all taxes, either current or delinquent, due the City may be paid in



PART I - CHARTER

ARTICLE 10. - TAX ADMINISTRATION

installments. Failure to levy and assess taxes through omission in preparation of the approved tax roll shall not relieve the person, firm or corporation so omitted from obligation to pay such current or past due taxes as shown to be payable by recheck of the rolls and receipts for the years in question.

(Charter amendment approved by voters January 20, 1996)

**Sec. 10.05. - Tax liens.**

The tax levied by the City is hereby declared to be a lien, charge or encumbrance upon real or personal property as of January 1 upon which the tax is due, which lien, charge or encumbrance the City is entitled to enforce and foreclose in any court having jurisdiction over the same. The lien, charge or encumbrance on the property is such as to give the state courts jurisdiction to enforce and foreclose said lien on the property on which the tax is due, not only as against any resident of this state or person whose residence is unknown, but also as against a nonresident. All taxes upon real estate and personal property shall especially be a lien and a charge upon the property on which the taxes are due, which lien may be foreclosed in any court having jurisdiction.

(Charter amendment approved by voters January 20, 1996)

**Sec. 10.06. - Joint interest in property.**

The City shall not be required to make separate assessments of joint or conflicting interests in any real estate. It is provided, however, that the owner of any such interest may furnish to the City Tax Assessor/Collector at any time before April 1 of each year a written description of any parcel of land in which the owner has an interest less than the whole, showing the amount of the owner's interest therein, and the City Tax Assessor/Collector may thereupon assess such interest as a separate parcel.

The City Tax Assessor/Collector may receive the taxes on part of any lot or parcels of real estate or an undivided interest therein, but no such taxes shall be received until the person rendering the same shall have furnished the City Tax Assessor/Collector a full description of the particular part or interest on which payment is tendered.

(Charter amendment approved by voters January 20, 1996)

**Sec. 10.07. - Arrears of taxes offset to debt against City.**

The City shall be entitled to counterclaim and offset against any debt, claim, demand or account owned by the City to any person, firm or corporation who is in arrears, and no assignment or transfer of such debt, claim, demand or account after said taxes are due, shall affect the right of the City to so offset the said taxes against the same.

**Sec. 10.08. - (Repealed by charter amendment approved by voters May 15, 2004).**

---

FOOTNOTE(S):

---

--- (5) ---

## PART I - CHARTER

### ARTICLE 10. - TAX ADMINISTRATION

**State Law reference—** Finances, V.T.C.A., Local Government Code ch. 101 et seq.; local taxation, V.T.C.A., Tax Code ch. 301 et seq. [\(Back\)](#)

PART I - CHARTER

ARTICLE 11. - FRANCHISE OF PUBLIC UTILITIES

**ARTICLE 11. - FRANCHISE OF PUBLIC UTILITIES <sup>[6]</sup>**

[Sec. 11.01. - Powers of the City.](#)

[Sec. 11.02. - Franchise; power of City Council.](#)

[Sec. 11.03. - Franchise value not to be allowed.](#)

[Sec. 11.04. - Right of regulation.](#)

[Sec. 11.05. - Consent of property owners.](#)

[Sec. 11.06. - Extensions.](#)

[Sec. 11.07. - Other conditions.](#)

[Sec. 11.08. - Franchise records.](#)

[Sec. 11.09. - \(Repealed by charter amendment approved by voters May 15, 2004\).](#)

**Sec. 11.01. - Powers of the City.**

In addition to the City's power to buy, construct, lease, maintain, operate and regulate public utilities and to manufacture, distribute and sell the output of such utility operations, the City shall have such further powers as may now or hereafter be granted under the constitution and laws of the state of Texas.

(Charter amendment approved by voters January 20, 1996)

**Sec. 11.02. - Franchise; power of City Council.**

The City Council shall have power to grant, amend, renew or extend by ordinance all franchises of all public utilities of every character including any person, business or corporation providing cable television or community antenna television service, operating within the City, and for such purposes is granted full power. No public utility franchise shall be transferable except to persons, firms or corporations taking all or substantially all of the holder's business in the City and except with the approval of the City Council expressed by ordinance. No franchise shall be granted for an indeterminate term. No exclusive franchise shall ever be granted.

(Charter amendment approved by voters January 20, 1996)

**Sec. 11.03. - Franchise value not to be allowed.**

In determining the just compensation to be paid by the City for public utility property which the City may acquire by condemnation or otherwise, nothing shall be included as to the value of any franchise granted by the City.

**Sec. 11.04. - Right of regulation.**

All grants, renewals, extensions or amendments to public utility franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the City to:

## PART I - CHARTER

### ARTICLE 11. - FRANCHISE OF PUBLIC UTILITIES

- (a) repeal the same by ordinance at any time for failure to begin construction or operation within the time prescribed or for failure otherwise to comply with the terms of the franchise, such power to be exercised only after due notice and hearing;
- (b) require an adequate and reasonable extension of plant and service, and the maintenance of the plant and fixtures at the standard necessary to render the highest reasonable quality of utility service to the public;
- (c) establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;
- (d) prescribe the form of accounts kept by each such utility. If the franchise or ordinance does not prescribe the form of accounts kept by each utility, then it shall keep its accounts in accordance with the utility system of accounts for said utility prescribed by the appropriate state and/or Federal utility regulatory agencies;
- (e) examine and audit the accounts and other records of any such utility at any time and to require annual and other reports, including reports on local operations by each such public utility;
- (f) impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare and accommodation of the public; and
- (g) adopt procedural rules and regulations dealing with public utilities which shall conform to the requirements of the appropriate state regulatory agencies.

(Charter amendment approved by voters January 20, 1996)

#### **Sec. 11.05. - Consent of property owners.**

The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility, but nothing in this Charter or in any franchise granted thereunder shall ever be construed to deprive any such property owners of any right of action for damage or injury to property as now or hereafter provided by law.

(Charter amendment approved by voters January 20, 1996)

#### **Sec. 11.06. - Extensions.**

All extensions of public utilities within the City limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this Charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant. In case of an extension of public utility operated under a franchise hereafter granted, such right shall be terminable at the same time and under the same conditions as the original grant.

#### **Sec. 11.07. - Other conditions.**

All franchises heretofore granted are recognized as contracts between the City and the grantee, and the contractual rights as contained in any such franchises shall not be impaired by the provisions of this Charter, except that the power of the City to exercise the right of eminent domain in the acquisition of any utility property is in all things reserved, and except the general power of the City heretofore existing and herein provided for to regulate the rates and services of a utility, which shall include the right to require adequate and reasonable extension of plant and service and the maintenance of the plant fixtures at the standard necessary to render the highest reasonable quality of utility service to the public. Every public utility franchise hereafter granted shall be held subject to all the terms and conditions contained in the various sections of this Article whether or not such terms are specifically mentioned in the franchises.

PART I - CHARTER

ARTICLE 11. - FRANCHISE OF PUBLIC UTILITIES

Nothing in this Charter shall operate to limit in any way, as specifically stated, the discretion of the City Council or the voters of the City in imposing terms and conditions as may be reasonable in connection with any franchise grant, including the right to require such compensation or rental as may be permitted by the laws of the state of Texas.

(Charter amendment approved by voters January 20, 1996)

**Sec. 11.08. - Franchise records.**

Within six (6) months after this Charter takes effect, every public utility and every owner of public utility franchise shall file with the City certified copies of all franchises owned or claimed, or under which such utility is operated in the City. The City shall compile and maintain a public record of public utility franchises.

(Charter amendment approved by voters January 20, 1996)

**Sec. 11.09. - (Repealed by charter amendment approved by voters May 15, 2004).**

---

FOOTNOTE(S):

---

--- (6) ---

**State Law reference**— Water and utilities, V.T.C.A., Local Government Code ch. 401 et seq. [\(Back\)](#)

ARTICLE 12. - BOARDS AND COMMISSIONS

**ARTICLE 12. - BOARDS AND COMMISSIONS**

[Sec. 12.01. - Boards and commissions \[established\].](#)

[Sec. 12.02. - Qualifications \[for Planning and Zoning Commission\].](#)

[Sec. 12.03. - Members filing for office.](#)

[Sec. 12.04. - Planning and Zoning Commission.](#)

**Sec. 12.01. - Boards and commissions [established].**

The City Council shall have authority to establish by ordinance such boards and commissions as it may deem necessary for the conduct of City business and management of municipal affairs. The authority, functions and responsibilities of such boards and commissions shall be such as is spelled out in the ordinance establishing them. All existing boards and commissions heretofore established shall be continued in accordance with the ordinance or other acts under which they have been created, or until the City Council shall by ordinance abolish, modify or alter the ordinance or acts under which they exist. Notwithstanding any other provision of this Charter the elected City Council shall have paramount authority over all matters affecting the budgets, appropriation of funds, expenditures, purchases and sale of properties and procedures for accounting therefor, consistent with the express provisions of this Charter and applicable provisions of the state constitution and laws of this state.

(Charter amendment approved by voters January 20, 1996)

**Sec. 12.02. - Qualifications [for Planning and Zoning Commission].**

- (a) Each candidate for an appointment as a member of the Planning and Zoning Commission shall meet the following requirements:
- (1) be a registered voter of the City;
  - (2) have resided for at least twelve (12) months preceding appointment within the corporate limits of the City, including territory annexed prior to appointments; and
  - (3) not be in arrears in the payment of any taxes or other liabilities due the City. "In arrears" is defined herein to mean that payment has not been received within ninety (90) days from due date.
- (b) In addition to any other qualifications prescribed by law, each member of the Planning and Zoning Commission shall continue to meet the conditions of [Section 12.02\(a\)](#) while in office.

(Charter amendment approved by voters November 6, 1979; January 20, 1996; November 8, 2011)

**Sec. 12.03. - Members filing for office.**

No member of a Board or Commission shall continue in such position after filing for an elective office of the City.

(Charter amendment approved by voters November 6, 1979; January 20, 1996; May 6, 2000)

PART I - CHARTER

ARTICLE 12. - BOARDS AND COMMISSIONS

**Sec. 12.04. - Planning and Zoning Commission.**

There shall be a City Planning and Zoning Commission which shall consist of nine (9) members serving two (2) year terms which the City Council shall establish by ordinance.

The Commission shall have the power and be required to:

- (1) be responsible to and act as an advisory body to the City Council;
- (2) recommend to the City Council for its action an official zoning map and recommend any changes to the map;
- (3) study plats and plans of proposed subdivisions and insure that all plats and plans conform to the City's subdivision and development ordinances; and
- (4) perform such other functions as may be duly delegated to them from time to time by the City Council.

(Charter amendment approved by voters November 6, 1979; January 20, 1996; November 8, 2011)

ARTICLE 13. - POLICE DEPARTMENT DISCIPLINARY PROCEDURES

**ARTICLE 13. - POLICE DEPARTMENT DISCIPLINARY PROCEDURES**

[Sec. 13.01. - Purpose.](#)

[Sec. 13.02. - Definitions.](#)

[Sec. 13.03. - Appeals to a Hearing Examiner.](#)

**Sec. 13.01. - Purpose.**

The purpose of this Article is to establish procedures for the appeal of certain disciplinary actions for Officers (as defined below) of the Round Rock Police Department. This Article is not applicable to the Chief of Police or to employees of the Police Department who are not sworn police officers or to police officers who are in a probationary period.

(Charter amendment approved by voters May 15, 2004)

**Sec. 13.02. - Definitions.**

- (a) Chief. "Chief" means the Chief of Police of the Round Rock Police Department.
- (b) Day. "Day" means a calendar day.
- (c) Demotion. "Demotion" means a change in duty assignment of an Officer from a position in one pay grade to a position in a lower pay grade.
- (d) Department. "Department" means the City of Round Rock Police Department.
- (e) Disciplinary Matrix. "Disciplinary Matrix" means the disciplinary matrix adopted, maintained and amended from time to time by the Chief.
- (f) HR Director. "HR Director" means the City's Director of Human Resources.
- (g) Officer. "Officer" means a sworn police officer employed by the Department who has served for one year following the successful completion of the Department's field training program.
- (h) Probationary Officer. "Probationary Officer" means a sworn police officer employed by the Department who has not completed the Department's field training program or who has served for less than one year following the successful completion of the Department's field training program.
- (i) Suspension. "Suspension" means a disciplinary action whereby an Officer is involuntarily relieved of duty for more than twenty-four hours without pay. Suspension, as used herein, does not mean being relieved of duty for twenty four hours or less or being relieved of duty without loss of pay.
- (j) Termination. "Termination" means a disciplinary action whereby an Officer is permanently relieved of duty.

(Charter amendment approved by voters May 15, 2004)

**Sec. 13.03. - Appeals to a Hearing Examiner.**

- (a) Notice of Appeal. If the Chief determines to impose a disciplinary action that includes Suspension, Demotion, or Termination, and the Officer is not satisfied with such decision, the Officer may elect to appeal the decision to a Hearing Examiner. In order to exercise the right of appeal, the Officer shall file with the Chief a written notice of appeal on forms provided by the City within three (3) calendar



## PART I - CHARTER

### ARTICLE 13. - POLICE DEPARTMENT DISCIPLINARY PROCEDURES

days of being notified of the Chief's decision to impose Suspension, Demotion, or Termination. The written notice of appeal shall not be effective unless the Officer agrees to waive and release any and all rights the Officer might have to appeal the Chief's decision to a court of law.

- (b) Selection of Hearing Examiner. Upon receipt of the written notice of appeal, the Chief shall notify the HR Director. The HR Director and the Officer shall attempt to agree on the selection of a Hearing Examiner on or before 10 days after the date the notice of appeal is filed. If no agreement is reached within the specified time, the HR Director shall request a list of seven qualified neutral arbitrators from the American Arbitration Association or the Federal Mediation and Conciliation Service or their successors in function. The Officer and the HR Director may agree on one of the seven arbitrators on the list. If they do not agree within 25 days after the date the notice of appeal was filed, the Officer and the HR Director shall on the 25th day after the appeal was filed alternate striking a name from the list and the name remaining is the Hearing Examiner. In the event that the 25th day falls on a Saturday, Sunday, or a legal holiday, then the parties shall strike the list on the next work day. The parties shall agree on a date for the hearing that is within the time period prescribed in paragraph (d) below.
- (c) Hearing Examiner's Jurisdiction and Authority. The Hearing Examiner has jurisdiction to hear appeals from a decision of the Chief to Suspend, Demote or Terminate an Officer. Upon consideration of the testimony, evidence, arguments, and briefs, the Hearing Examiner may affirm, modify, or reverse the decision of the Chief. If the Hearing Examiner determines to modify the decision, the Hearing Examiner's authority to so modify is limited to the level of discipline outlined in the Disciplinary Matrix.
- (d) Appeal Hearing. The appeal hearing shall begin as soon as possible, but in any event within 60 days after the date the appeal is filed. If the hearing is not begun within 60 days after the date the appeal is filed, the Suspension, Demolition or Termination is upheld and the appeal is withdrawn if the Officer is not ready to proceed and the appeal is sustained if the Chief is not ready to proceed. In computing the 60-day period, a period of delay not to exceed 30 calendar days because of a continuance granted at the request of the Chief or the Officer on good cause being shown, or because of the unavoidable unavailability of the Hearing Examiner on the date of the hearing. In no event may a Hearing Examiner grant a continuance of more than 30 days in a hearing involving Termination. A Hearing Examiner may grant a continuance beyond the 30-day period upon good cause being shown in a hearing involving Suspension or Demotion unless the Officer has another disciplinary action pending.
- (e) Subpoenas. The Hearing Examiner shall have the power to issue subpoenas.
- (f)(1) Expedited Procedure. The parties may agree to an expedited hearing procedure. Unless otherwise agreed by the parties, in an expedited procedure the Hearing Examiner shall render a decision on the appeal within 10 days after the date the hearing closed.
- (f)(2) Non-expedited Procedure. In an appeal that does not involve an expedited hearing procedure, the Hearing Examiner shall make a reasonable effort to render a decision on the appeal within 30 days after the date the hearing ends or the briefs are filed. The Hearing Examiner's inability to meet the time requirements imposed by this paragraph does not affect the Hearing Examiner's jurisdiction, the validity of the disciplinary action, or the Hearing Examiner's final decision.
- (g) Final Decision. The Hearing Examiner's decision is final and binding on all parties. No party shall have the right to appeal a Hearing Examiner's decision except as provided in paragraph (i) below.
- (h) Fees and Expenses. The Hearing Examiner's fees and expenses are shared equally by the Officer and the City. The costs of a witness are paid by the party who calls the witness.
- (i) District Court Appeal. A district court may hear an appeal of a Hearing Examiner's award only on the grounds that the Hearing Examiner was without jurisdiction or exceeded its jurisdiction or that the order was procured by fraud, collusion, or other unlawful means. If the basis for the appeal of the Hearing Examiner's award is based on the grounds that the Hearing Examiner was without

## PART I - CHARTER

### ARTICLE 13. - POLICE DEPARTMENT DISCIPLINARY PROCEDURES

jurisdiction or exceeded its jurisdiction, the petition must be filed in district court within 10 days of the Hearing Examiner's decision. An appeal must be brought in a district court in Williamson County, Texas.

(Charter Amendment approved by voters May 15, 2004)

(Subsections renumbered pursuant to Ordinance No. G-08-07-10-9B1)

PART I - CHARTER

ARTICLE 14. - GENERAL PROVISIONS

**ARTICLE 14. - GENERAL PROVISIONS**

[Sec. 14.01. - Publicity of records.](#)

[Sec. 14.02. - Publication requirements.](#)

[Sec. 14.03. - Nepotism.](#)

[Sec. 14.04. - Personal financial interest.](#)

[Sec. 14.05. - Assignment, execution and garnishment.](#)

[Sec. 14.06. - Power to settle claims.](#)

[Sec. 14.07. - Notice of claim against City.](#)

[Sec. 14.08. - Prohibitions.](#)

[Sec. 14.09. - Separability.](#)

[Sec. 14.10. - Submission of Charter to voters.](#)

[Sec. 14.11. - Amendment of Charter.](#)

[Sec. 14.12. - Charter Review Commission.](#)

[Sec. 14.13. - Rearrangement and renumbering of Charter provisions.](#)

[Sec. 14.14. - Security or bond not required.](#)

[Sec. 14.15. - Drilling operations.](#)

**Sec. 14.01. - Publicity of records.**

All public records of every office, department, or agency of the City shall be open to inspection by any person at all reasonable times, provided that records closed to the public by law shall not be considered public records for the purpose of this section. During normal office hours, any person or any duly authorized representative of the press or other news media shall have the right to examine any such public records belonging to the City and shall have the right to make copies thereof under such reasonable rules and regulations as may be prescribed by the City Council or by this Charter.

(Charter amendment approved by voters January 20, 1996)

(Section renumbered pursuant to Ordinance No. G-04-06-24-16B1)

**State law reference**— Local Government Records Act, V.T.C.A., Local Government Code ch. 201.

**Sec. 14.02. - Publication requirements.**

The City Council shall cause to be published all ordinances, notices and other matter required by the constitution and/or laws of the state of Texas to be published. The City Council may by ordinance establish additional publication requirements not in conflict with this Charter.

(Charter amendment approved by voters January 20, 1996; May 10, 2008)

(Section renumbered pursuant to Ordinance No. G-04-06-24-16B1)

## PART I - CHARTER

### ARTICLE 14. - GENERAL PROVISIONS

#### **Sec. 14.03. - Nepotism.**

No person related, within the second degree by affinity or within the third degree by consanguinity, to the Mayor or any member of the City Council or City Manager shall be employed or appointed to any office, position or clerkship of the City. This prohibition shall not apply, however, to any person who shall have been employed by the City at least two (2) years prior to and at the time of the election or appointment of the officer related in the prohibited degree.

(Section renumbered pursuant to Ordinance No. G-04-06-24-16B1)

**State law reference**— Degrees of relationship, nepotism prohibitions, V.T.C.A., Government Code ch. 573.

#### **Sec. 14.04. - Personal financial interest.**

No member of the City Council or employee of the City shall have a financial interest, direct or indirect, in contract with the City, nor shall be financially interested, directly or indirectly, in the sale to the City of any land, or rights or interest in any land, materials, supplies or service. The above provision shall not apply where the interest is represented by ownership of stock in a corporation involved provided such stock ownership amounts to less than one percent (1%) of the corporation stock or as falls within the scope of V.T.C.A., Local Government Code § 131.903 as now or hereafter amended. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the City found guilty thereof shall thereby forfeit his or her office or position. Any violation of this section with the knowledge, express or implied, of the persons or corporation contracting with the City shall render the contract voidable by the City Manager or the City Council.

(Charter amendment approved by voters January 20, 1996)

(Section renumbered pursuant to Ordinance No. G-04-06-24-16B1)

**State law reference**— Conflicts of interest of local government officers, V.T.C.A., Local Government Code ch. 171.

#### **Sec. 14.05. - Assignment, execution and garnishment.**

The property, real and personal, belonging to the City shall not be liable to be sold or appropriated under any writ or execution or cost bill. The funds belonging to the City, in the hands of any person, firm or corporation, shall not be liable to garnishment, attachment, or sequestration; nor shall the City be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the City nor any of its officers or agents shall be required to answer any such writ of garnishment on any account whatever. The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors.

(Section renumbered pursuant to Ordinance No. G-04-06-24-16B1)

**State law reference**— Garnishment, V.T.C.A., Civil Practice and Remedies Code ch. 63; garnishment of municipal funds, V.T.C.A., Local Government Code ch. 101.

#### **Sec. 14.06. - Power to settle claims.**

The City Council shall have the authority to compromise and settle any and all lawsuits of every kind and character in favor of or against the City, except suits by the City to recover delinquent taxes.

PART I - CHARTER

ARTICLE 14. - GENERAL PROVISIONS

(Charter amendment approved by voters January 20, 1996)

(Section renumbered pursuant to Ordinance No. G-04-06-24-16B1)

**Sec. 14.07. - Notice of claim against City.**

Before the City shall be liable to damage, claim, or suit for personal injury, or damage to property, the person who is injured or whose property has been damaged or someone in such person's behalf shall give the City Manager or the City Clerk notice in writing under oath within forty-five (45) days after the date of the alleged damage or injury stating specifically in such notice when, where and how the injury or damage was sustained, setting forth the extent of the injury or damage as accurately as possible, and giving the names and addresses of all witnesses known to claimant upon whose testimony claimant is relying to establish the injury or damage. In case of injuries resulting in death, the person or persons claiming damage shall within forty-five (45) days after the death of the injured person give notice as required above. Provided that nothing herein contained shall be construed to mean the City waives any rights, privileges, defenses or immunities in tort actions which are provided under the common law, the constitution and laws of the state of Texas.

(Charter amendment approved by voters January 20, 1996; November 8, 2011)

(Section renumbered pursuant to Ordinance No. G-04-06-24-16B1)

**State law reference**— Notice of claims for death or personal injury, V.T.C.A., Civil Practice and Remedies Code § 101.101.

**Sec. 14.08. - Prohibitions.**

(a) Activities Prohibited.

- (1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any City position or appointive City administrative office because of race, sex, political or religious opinions or affiliations.
- (2) No person who seeks appointment or promotion with respect to any City position or appointive City administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.
- (3) No City officer or candidate for City office shall orally, by letter or otherwise solicit or assist in soliciting any assessment, subscription or contribution for any candidate or for any political party or political purpose whatever from any person holding any compensated City position.
- (4) No officer or employee of the City who receives compensation as such shall make, solicit or receive any contribution to the campaign funds of any candidate or of any political party to be used in a City election or for or against any candidate for City office or take any part in the management, affairs or political campaign of any political party in a City election, but such officer or employee may exercise all rights as a citizen to express opinions and to cast his or her vote. Nothing in this paragraph is intended to prohibit said person from participating in school district, special district, county, state, or national campaigns, elections, and political parties.

- (b) Penalties. Any person who either individually or with others willfully violates any provisions of the foregoing [Section 14.08\(a\)](#) shall be ineligible for appointment or election to a position in the City for a period of four (4) years, and if such person is an officer or employee of the City at the time of such violation, he or she shall immediately forfeit the office or position such person holds.

(Charter amendment approved by voters January 20, 1996)

## PART I - CHARTER

### ARTICLE 14. - GENERAL PROVISIONS

(Section renumbered pursuant to Ordinance No. G-04-06-24-16B1)

**State law reference**— Restrictions on contributions and expenditures, V.T.C.A., Election Code ch. 253; employment discrimination, V.T.C.A., Labor Code ch. 21.

#### **Sec. 14.09. - Separability.**

If any section or part of a section of this Charter is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not invalidate or impair the validity, force or effect of any other section or part of a section of this Charter.

(Charter amendment approved by voters January 20, 1996)

(Section renumbered pursuant to Ordinance No. G-04-06-24-16B1)

#### **Sec. 14.10. - Submission of Charter to voters.**

The Charter Commission in preparing this Charter concludes that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that the Charter is so constructed that in order to enable it to work and function, it is necessary that it should be adopted in its entirety. For these reasons, the Charter Commission directs that the said Charter be voted upon as a whole and that it shall be submitted to the voters of the City at an election to be held for that purpose on August 13, 1977. Not less than thirty (30) days prior to such election, the City Council shall cause the City Clerk to mail a copy of this Charter to each registered voter of the City as appears from the latest certified list of registered voters. If a majority of the registered voters voting in such election shall vote in favor of the adoption of this Charter, it shall become the Charter of the City of Round Rock, and after the returns have been canvassed, the same shall be declared adopted and the City Clerk shall file an official copy of the Charter with the Records of the City. The Clerk shall furnish the Mayor a copy of said Charter, which copy of the Charter so adopted, authenticated and certified by signature and the seal of the City, shall be forwarded by the Mayor to the Secretary of the state of Texas and shall show the approval of such Charter by majority vote of the registered voters voting at such election.

(Charter amendment approved by voters January 20, 1996; November 8, 2011)

(Section renumbered pursuant to Ordinance No. G-04-06-24-16B1)

#### **Sec. 14.11. - Amendment of Charter.**

Amendments to this Charter may be framed and submitted to the voters of the City in the manner provided by V.T.C.A., Local Government Code [ch. 9](#), as amended.

(Charter amendment approved by voters January 20, 1996)

(Section renumbered pursuant to Ordinance No. G-04-06-24-16B1)

**State law reference**— Charter amendments, V.T.C.A., Local Government Code § 9.004.

#### **Sec. 14.12. - Charter Review Commission.**

The City Council shall appoint at its first regular meeting of 1979 and not later than every fourth year thereafter, a Charter Review Commission of seven (7) citizens of the City.

(a) The duties of the Charter Review Commission are as follows:

## PART I - CHARTER

### ARTICLE 14. - GENERAL PROVISIONS

- (1) inquire into the operation of the City Government under the Charter provisions and determine whether any such provisions require revision. To this end public hearings may be held; and the Commission shall have the power to compel the attendance of any officer or employee of the City and require the submission of any of the City records which it may deem necessary to the conduct of such hearing;
  - (2) propose any recommendations it may deem desirable to insure compliance with the provisions of the Charter by the several departments of the City government;
  - (3) propose, if it deems desirable, amendments to this Charter to improve the effective application of the Charter to current conditions; and
  - (4) report its finding and present its proposed amendments, if any, to the City Council.
- (b) Action by the City Council. The City Council shall receive and have published in the official newspaper of the City any report presented by the Charter Review Commission, shall consider any recommendations made, and if any amendments be presented as of such report, may order such amendment or amendments to be submitted to the voters of the City in the manner provided by V.T.C.A., Local Government Code ch. 9, as amended.
- (c) Term of Office. The term of office of such Charter Review Commission shall be six (6) months, or sooner if a report is presented to the City Council prior to said term of office. If during such six (6) month term no report is presented to the City Council, then all records of the proceedings of such Commission shall be filed with the person performing the duties of the City Clerk and shall become a public record.

(Charter amendment approved by voters November 6, 1979; January 20, 1996; November 8, 2011)

(Section renumbered pursuant to Ordinance No. G-04-06-24-16B1)

**State law reference—** Charter commission, V.T.C.A., Local Government Code § 9.002.

#### **Sec. 14.13. - Rearrangement and renumbering of Charter provisions.**

In order to preserve unity, the City Council shall have the power, by ordinance, to renumber and rearrange all articles, sections, and paragraphs of this Charter or any amendments thereto, and upon the passage of any such ordinance, a copy thereof, certified by the City Manager, shall be forwarded to the Secretary of State for filing.

(Charter amendment approved by voters January 20, 1996)

(Section renumbered pursuant to Ordinance No. G-04-06-24-16B1)

#### **Sec. 14.14. - Security or bond not required.**

It shall not be necessary in any action, suit or proceedings in which the City shall be a party for any bond, undertaking or security to be executed in behalf of the City, but all actions, suits, and proceedings shall be conducted in the same manner as if such bond, undertaking or security had been given. The City shall have all remedies of appeal provided by law to all courts without bond or security of any kind. For the purposes of all such actions, suits, proceedings and appeals, the City shall be liable in the same manner and to the same extent as if the bond undertaking or security has been executed and given.

(Charter amendment approved by voters November 6, 1979)

(Section renumbered pursuant to Ordinance No. G-04-06-24-16B1)

PART I - CHARTER

ARTICLE 14. - GENERAL PROVISIONS

**State law reference**— Cities exempt from security for court costs, V.T.C.A., Civil Practice and Remedies Code § 6.002.

**Sec. 14.15. - Drilling operations.**

The City Council may, by ordinance, prohibit the drilling of water wells for commercial, industrial and agricultural purposes, and may provide regulations for the drilling and use of water wells for commercial, industrial, agricultural and domestic purposes.

(Charter amendment approved by voters November 6, 1979)

(Section renumbered pursuant to Ordinance No. G-04-06-24-16B1)

**State law reference**— Water wells and drilled or mined shafts, V.T.C.A., Water Code ch. 28.



PART I - CHARTER

ARTICLE 15. - TRANSITIONAL PROVISIONS

**ARTICLE 15. - TRANSITIONAL PROVISIONS**

[Sec. 15.01. - Schedule.](#)

[Sec. 15.02. - Officers and employees.](#)

[Sec. 15.03. - Effect of Charter on existing law.](#)

[Sec. 15.04. - Pending matters.](#)

**Sec. 15.01. - Schedule.**

- (a) This Charter shall take effect immediately following adoption by the voters, and shall be fully operable within one (1) year after adoption, except as provided in "(c)" of this Section.
- (b) Upon the adoption of this Charter, the present members of the City Council filling elective offices will continue to fill those offices for the terms to which they were elected. If this Charter is adopted, the City Council shall, by a majority vote, at its first regular meeting after the adoption of this Charter, appoint one additional Council member to serve for a term to coincide with the term of the Council members who are elected in even numbered years, or until successor is elected and qualified. Thereafter the City Council shall be elected as provided in [Section 3.01](#) of this Charter. Persons, who on the date this Charter is adopted are filling appointive positions with the City which are retained under this Charter, may continue to fill these positions for the term for which they were appointed, unless removed by the City Council or by other means provided for in this Charter.
- (c) Conversion of the accounting system from a cash basis to an accrued cost basis shall occur at the beginning of the second fiscal year after adoption of this Charter.

(Charter amendment approved by voters January 20, 1996)

(Section renumbered pursuant to Ordinance No. G-04-06-24-16B1)

**Sec. 15.02. - Officers and employees.**

- (a) Rights and Privileges Preserved. Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are City officers or employees at the time of its adoption.
- (b) Continuance of Office or Employment. Except as specifically provided by this Charter, if at the time this Charter takes full effect a City administrative officer or employee holds any office or position which is or can be abolished by or under this Charter, he or she shall continue in such office or position until adoption of some specific provision under this Charter directing that such officer or employee vacate the office or position.

(Charter amendment approved by voters January 20, 1996)

(Section renumbered pursuant to Ordinance No. G-04-06-24-16B1)

**Sec. 15.03. - Effect of Charter on existing law.**

All codes, ordinances, resolutions, rules and regulations in force on the effective date of this Charter, and not in conflict with this Charter, shall remain in force until altered, amended or repealed by the City Council. All taxes, assessments, liens, encumbrances and demands, of or against the City, fixed or established before such date, or for the fixing or establishing of which proceedings have begun at such

PART I - CHARTER

ARTICLE 15. - TRANSITIONAL PROVISIONS

date, shall be valid when properly fixed or established either under the law in force at the time of the beginning of such proceedings or under the law after the adoption of this Charter.

(Charter amendment approved by voters January 20, 1996)

(Section renumbered pursuant to Ordinance No. G-04-06-24-16B1)

**Sec. 15.04. - Pending matters.**

All rights, claims, actions, orders, contracts, franchises, and legal or administrative proceedings in existence at the time of the adoption of this Charter shall continue until consummation. All renewals or new rights, claims, actions, orders, contracts, franchises, and legal or administrative proceedings arising after the adoption of this Charter shall be conducted pursuant to this Charter.

(Section renumbered pursuant to Ordinance No. G-04-06-24-16B1)

## PART I - CHARTER

### CHARTER COMPARATIVE TABLE

#### CHARTER COMPARATIVE TABLE

This table shows the location of the sections of the basic Charter and any amendments thereto.

Referendum Date	Section this Charter
November 6, 1979	<a href="#">3.01</a> <a href="#">3.06</a> <a href="#">3.12</a> <a href="#">6.03</a>
	<a href="#">4.01</a> <a href="#">5.02</a> <a href="#">5.04</a> <a href="#">6.01</a> <a href="#">6.02</a> <a href="#">7.01</a> <a href="#">8.09</a> <a href="#">12.02</a> <a href="#">12.03</a> <a href="#">12.04</a> <a href="#">14.12</a> <a href="#">14.14</a> <a href="#">14.15</a>
April 5, 1986	<a href="#">3.04</a> <a href="#">3.06</a> <a href="#">8.09</a>
January 20, 1996	Arts. 1—15
May 6, 2000	<a href="#">1.01</a> <a href="#">5.01</a> <a href="#">5.02</a> <a href="#">5.03</a> <a href="#">6.02</a> <a href="#">6.03</a> <a href="#">6.04</a> <a href="#">7.02</a> <a href="#">7.03</a> <a href="#">7.06</a> <a href="#">7.08</a> <a href="#">8.04</a> <a href="#">12.03</a>

PART I - CHARTER

CHARTER COMPARATIVE TABLE

May 15, 2004	<a href="#">3.05</a> <a href="#">4.01</a> <a href="#">5.01</a> <a href="#">7.02</a> —7.04 <a href="#">8.08</a> <a href="#">8.10</a> <a href="#">10.01</a> <a href="#">11.09</a> <a href="#">13.01</a> <a href="#">13.02</a> <a href="#">13.03</a>
May 10, 2008	<a href="#">3.08</a> <a href="#">3.17</a> <a href="#">7.06</a> <a href="#">8.04</a> <a href="#">8.10</a> <a href="#">14.02</a>
November 8, 2011	<a href="#">3.05</a> <a href="#">3.10</a> <a href="#">4.01</a> <a href="#">4.05</a> <a href="#">5.01</a> —5.03 <a href="#">6.02</a> —6.06 <a href="#">6.12</a> <a href="#">7.01</a> <a href="#">7.02</a> <a href="#">7.04</a> <a href="#">7.06</a> <a href="#">8.10</a> <a href="#">9.01</a> <a href="#">12.02</a> <a href="#">12.04</a> <a href="#">14.07</a> <a href="#">14.10</a> <a href="#">14.12</a>